

In the United States Court of Federal Claims

No. 08-321 T

(Filed November 18, 2010)

* * * * *

WASHINGTON MUTUAL, INC., *
as successor in interest of *
H. F. AHMANSON & CO. and *
SUBSIDIARIES, *et al.*, *

Plaintiffs, *

v. *

THE UNITED STATES, *

Defendant. *

* * * * *

ORDER

On November 15, 2010, the parties filed a Joint Status Report on Count II in the subject matter.¹ Therein, the parties report that they have been unsuccessful in settlement negotiations on Count II. The parties state that discovery has been conducted and based on that discovery, the parties expect to file dispositive motions on Count II of the amended complaint. In that regard, the parties propose that the court allow plaintiffs' moving brief to be filed on or before January 31, 2011, defendant's response brief and plaintiff's reply brief shall be in accordance with Rule 7.2 of the Rules of the Court of Federal Claims (RCFC).

^{1/} The court notes that Counts I and III of plaintiff's amended complaint were deferred on February 18, 2008 pending the outcome of a decision in *Washington Mutual, Inc. v. United States*, Case No. 06-1550, currently on appeal at the United States Court of Appeals for the Ninth Circuit, Case No. 09-36109.

Accordingly, it is hereby **ORDERED** that plaintiff shall **FILE** Plaintiff's Motion for Summary Judgment as to Count II, on or before **January 31, 2011**. All subsequent briefs shall be in accordance with the schedule provided by the rules of the court.

s/Lynn J. Bush

LYNN J. BUSH

Judge